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1        IN THE UNITED STATES DISTRICT COURT 2        FOR THE SOUTHERN DISTRICT OF TEXAS 3        HOUSTON DIVISION		
4        SHERWIN T. WRIGHT,      ) 5        Plaintiff,      ) CIVIL ACTION 6        VS.      ) NO.: 4:15-cv-02363 7        CHEVRON PHILLIPS CHEMICAL ) 8        COMPANY, LP,      ) JURY DEMANDED		
9        ORAL AND VIDEOTAPED DEPOSITION OF 10      SHERWIN TYRRELL WRIGHT 11      FEBRUARY 23, 2017		
12		
13      ORAL AND VIDEOTAPED DEPOSITION OF SHERWIN TYRRELL 14      WRIGHT, produced as a witness at the instance of the 15      Defendant, and duly sworn, was taken in the above-styled 16      and numbered cause on the 23rd of February, 2017, from 17      10:18 a.m. to 5:01 p.m., before Stacie M. Conner, CSR in 18      and for the State of Texas, reported by machine 19      shorthand, at the offices of Smith Reed & Armstrong, 20      PLLC, 1920 Country Place Road, Suite 350, Pearland, 21      Texas, pursuant to the Federal Rules of Civil Procedure 22      and the provisions stated on the record or attached 23      hereto.		
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1        A P P E A R A N C E S		
2		
3        FOR THE PLAINTIFF:		
4        Mr. Marrick Armstrong 5        SMITH REED & ARMSTRONG, PLLC 6        1920 Country Place Parkway, Suite 350 7        Pearland, Texas 77584 8        281.489.3934 9        merrick@rapllc.com	10:18	(The reading of Federal Rule 30(b)(5)(A) 11      into the record was waived by all parties present)
10		
11      FOR THE DEFENDANT:		
12      Ms. Marlene C. Williams 13      Mr. John Hays 14      JACKSON WALKER, LLP 15      1401 McKinney, Suite 1900 16      Houston, Texas 77010 17      713.752.4200 18      mwiliams@jw.com 19      jhays@jw.com	10:18	THE VIDEOGRAPHER: Today's date is 20      February 23, 2017. The time is 10:18 a.m., and we are 21      now on the record. 22      THE REPORTER: Would y'all like to state 23      stipulations for the record? 24      MS. WILLIAMS: By the Rules. 25      MR. ARMSTRONG: Just by the Rules is fine. 1        THE REPORTER: Signature? 2        MR. ARMSTRONG: Yes. 3        SHERWIN TYRRELL WRIGHT, 4        having been first duly sworn, testified as follows: 5        EXAMINATION 6        BY MS. WILLIAMS: 7        Q. Would you state your full name, please? 8        A. My full name is Sherwin T. Wright. 9        Q. What is the T for? 10      A. T is for Tyrrell. 11      Q. And that's T-Y-R-E-L-L? 12      A. Two R's, T-Y-R-R-E-L-L. 13      Q. Okay. Have you gone sometimes by just Tyrrell 14      Wright? 15      A. Yes. 16      Q. Okay. You understand that you've just given an
17		
18      ALSO PRESENT:		
19      Mr. Brent Moore, Videographer 20      Ms. Karen Monroe 21      Ms. Lisa Laurin	10:19	
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	1 A. The same people, yes, because there were -- 2 there were normally two supervisors there, two or more, 3 because, as I said, they were -- were separated into two 4 facilities. There was a polyethylene unit and a 10:58 5 polypropylene unit. 6 Q. Okay. Do you remember the title -- and I know 7 you -- you could not recall the person, but when you 8 started, do you recall the title of -- that your 9 supervisor had when you started as a maintenance	1 A. -- were not our boss, no. They were in charge 2 of the equipment on -- in each facility, but they were 3 not our bosses. 4 Q. Okay. Do you know who the operators reported 5 to? 6 A. Yes. The operators had a -- an operations 7 supervisor that they reported to. 8 Q. Did any of the operators report to the 9 maintenance electrical supervisors?
10:58	10 electrician? Did that person have a specific title, 11 that you remember? 12 A. As far as I remember, just maintenance -- 13 maintenance electrical supervisor. 14 Q. Okay. And was that always the case, that you 10:58 15 reported to a maintenance electric -- electrical 16 supervisor through -- until the time of your 17 termination? 18 A. Yes.	10 A. Report to them? 11 Q. Were the maintenance electrical supervisors the 12 bosses of the operators? 13 A. No. 14 Q. Okay. 15 A. (Coughing) excuse me.
10:58	19 Q. Okay. 20 A. (Coughing) excuse me. 21 Q. Do you recall the names of any of your 22 supervisors during your employment at Chevron Phillips 23 Chemical? 24 A. Yes. I know -- as I said, I'm -- I'm cloudy at 10:59 25 the beginning but I know at the end, Darryn Barnes was a	16 Q. I'm probably going to jump around a little bit, 17 but I want to kind of just capture some period -- a few 18 chunks of time before we get into the details related to 19 your lawsuit. 20 But from 2008 to 2011, you were working in 21 one of these two units that we described as a 22 maintenance electrical super -- maintenance electrician, 23 correct? 24 A. Correct. 25 Q. In 2011 I understand you had an -- a motorcycle
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	1 supervisor -- was one of my supervisors and also Jerry 2 Kelly was a supervisor. 3 Q. And Jerry and Darryn both were maintenance 4 electrical supervisors or something -- 10:59 5 A. Yes. 6 Q. -- similar to that? 7 A. Correct. 8 Q. Do you know who they reported to? 9 A. Who did they report to? I'm not sure exactly 11:00 10 who they reported to, no. I'm sorry. 11 Q. Okay. As your supervisors, then at some point 12 Darryn Barnes would have been evaluating your work, 13 correct? 14 A. Correct. 11:00 15 Q. And when Jerry Kelly was your supervisor, he 16 also would have been evaluating your work, correct? 17 A. Correct. 18 Q. Okay. Which one of these was the last 19 maintenance electrical supervisor you had? 11:00 20 A. Darryn Barnes was my last supervisor. 21 Q. You did not report to any operators, correct? 22 A. Report to an -- 23 Q. Yeah. I mean, they weren't your boss? 24 A. No. Operators -- 11:00 25 Q. Okay.	1 accident? 2 A. Correct. 3 Q. And you were away from work on leave from 2011 4 to 2012, correct? 5 A. Correct. 6 Q. Okay. Can you just give us in general a 7 description of the motorcycle accident, what happened? 8 A. I can give you what I have -- what I have read 9 and been told about it because I -- I still -- I don't 10 remember the accident to this day. 11 Q. Okay. Can you just generally -- and I -- I 12 don't need specific details -- 13 A. Okay. 14 Q. -- but what you've read in general what -- what 11:02 15 occurred -- 16 A. Okay. 17 Q. -- in the accident? 18 A. What I read was that a person ran a stop sign 19 adjacent to a road that I was traveling on and what I 20 understand is that I swerved to miss him and I was in 21 the oncoming traffic so I swerved back and when I 22 swerved back, I hit a guardrail at a small bayou. The 23 bike and I flipped over. The bike flipped over into the 24 bushes. I flipped up and hit a tree and landed down on 25 the side of the bayou.

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11:03	<p>1        So then the person who caused the accident      2 was -- from what I have read, was -- he had enough      3 decency there for a moment, he called the ambulance for      4 me, but at some point he robbed me. But he did stay      5 there until the ambulance got there. He gave them his      6 name and number and everything and then -- and that      7 is -- that's how my -- that was the gist of my accident.</p> <p>8        Q. Were you wearing a helmet at the time of your      9 accident?</p>	<p>1 connection with this lawsuit [sic]?</p> <p>2        A. No.</p> <p>3        Q. You -- you understand that while you were out      4 recovering from your injuries, that you were placed on      5 leave at Chevron Phillips Chemical?</p> <p>6        A. Yes.</p> <p>7        Q. Okay.</p> <p>8        A. Yes.</p> <p>9        Q. You did not have any issues with respect to</p>
11:04	<p>10      A. No, I was not.</p> <p>11      Q. Were you hospitalized for some period after the      12 accident?</p> <p>13      A. Yes, I was.</p> <p>14      Q. For about how long?</p>	<p>10      10 your leave at Chevron Phillips Chemical. They granted      11 you the leave that you needed and requested to recover,      12 correct?</p> <p>13      A. Correct.</p> <p>14      Q. Okay. Did you have any problems with the</p>
11:04	<p>15      A. Seemed like forever. It was -- oh, God, I      16 was -- I'm not -- I'm not sure exactly how long it was,      17 but I would say about -- about seven months, I think.</p> <p>18      Q. And when I say "hospital," is this -- this is      19 not TIRR?</p>	<p>15      15 company associated with the leave that you took?</p> <p>16      A. Now, that, I can't say because I -- I really      17 don't recall. That part is -- I'm not -- I'm not very      18 clear on that part of it still.</p> <p>19      Q. Sitting here today, you don't recall that there      20 were ever any issues that you had getting the leave that      21 you needed from Chevron Phillips Chemical after your      22 accident; is that correct?</p>
11:04	<p>20      A. No, this is not TIRR.</p> <p>21      Q. Okay.</p> <p>22      A. This is just the hospital.</p> <p>23      Q. Okay. But at some point you started receiving      24 treatment at TIRR?</p>	<p>23      A. No, I don't recall that, no.</p> <p>24      Q. Okay. And I think I -- I mentioned earlier      25 that after you were released from the hospital, you</p>
11:04	A. That's correct.	
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11:05	<p>1        Q. Okay. As a result of this accident, you -- you      2 endured some brain injury or head injury?</p> <p>3        A. Yes, I -- I received what is called traumatic      4 brain injury.</p> <p>5        Q. And I think you were saying earlier that it      6 affects your short-term memory?</p> <p>7        A. It affects my short-term, yes.</p> <p>8        Q. I assume you -- you -- you suffered other      9 injuries in the accident, as well?</p>	<p>1        received treatment at TIRR, T-I-R-R, correct?</p> <p>2        A. Correct.</p> <p>3        Q. And how long were you receiving treatment from      4 TIRR?</p> <p>5        A. I don't remember exactly how long it was. It      6 was -- oh, God, it was months and months.</p> <p>7        Q. Were you still receiving treatment at TIRR when      8 you returned to work at Chevron Phillips Chemical?</p> <p>9        A. No. When I returned to Chevron, I was -- they</p>
11:05	<p>10      A. Well, just bruising and scratches.</p> <p>11      Q. Okay. Did you -- was there a lawsuit related      12 to this accident? Did you file a lawsuit, or did anyone      13 file a lawsuit in connection with this accident?</p> <p>14      A. No.</p>	<p>10      10 said that they had went as far as I needed to go -- or      11 as they could go with me, I should say.</p> <p>12      Q. When you were released to go back to work      13 following your accident, did you have any restrictions?</p> <p>14      A. Yes.</p>
11:05	<p>15      Q. Did you make any type of claims in connection      16 with this accident, you know, with an insurance company      17 or with -- against anybody personally?</p> <p>18      A. No. Well, I was unconscious for three weeks;      19 and then I was in the hospital for, like I said, about      20 seven months.</p>	<p>15      Q. What were those restrictions?</p> <p>16      A. Those restrictions, that was something -- the      17 way I understand it, it was worked out between TIRR and      18 Chevron that I would work with a second electrician at      19 all times.</p> <p>20      Q. Where did you get this understanding from?</p>
11:06	<p>21      Q. Okay. But just so that I'm clear, you didn't      22 pursue any insurance claims in connection with this      23 lawsuit [sic]?</p> <p>24      A. No.</p>	<p>21      A. From my -- oh, God, what was she? She was my      22 physical therapist at TIRR.</p> <p>23      Q. Do you recall her name?</p> <p>24      A. I knew you were going to ask. Christine</p>
11:06	Q. Did anybody make any claims against you in	Heckman, I think it was. I'm not -- don't ask me how to

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	1 spell it. 2 Q. Okay. So Christine Heckman told you that it 3 had been worked out between TIRR and Chevron Phillips 4 Chemical that when you returned to work, that you would 11:09 5 work with a second electrician at all times? 6 A. At all times, yes. 7 Q. How long was that restriction supposed to last? 8 A. She never told me a -- a limit or a time limit 9 as to how far -- how long that was going to be. She 11:09 10 just said that Chevron wanted that at all times I would 11 be with a second electrician. 12 Q. She told you Chevron Phillips Chemical wanted 13 that? 14 A. Yes. That was their -- that is what -- how 11:10 15 they agreed that I would come back into the plant. 16 Q. Okay. 17 A. But never how long it would last. 18 Q. Did you work with the -- under that restriction 19 from the time you returned in 2012 until your 11:10 20 termination in December, 2014? 21 A. Yes. 22 Q. So you were always working with a second 23 electrician? 24 A. Yes. 11:10 25 Q. Did you have any problems with this arrangement	1 y'all were working on? 2 A. That's correct. 3 Q. Can you recall the names of any of the 4 electricians out there at this time who would have been 11:11 5 working with you? 6 A. Oh, yeah, there were a lot of electricians out 7 there who -- well, some of them were on shift but Dave 8 Higgins and Mike Smith, Ed Armand. Who else? Mario 9 Falcone. Who else did I work with out there? There 11:12 10 was -- I mean, I worked -- I think I worked with just 11 about every electrician out there at one time or 12 another. 13 Q. And you mean that they were working with you as 14 the second electrician? 15 A. Yes. 16 Q. Okay. All of these individuals that you just 17 named at some point would have been working with you as 18 a second electrician on the jobs that you were working? 19 A. Correct. 11:12 20 Q. Okay. And, again, that's from 2012 to 2014, 21 correct? 22 A. Correct. 23 Q. Did you ever request that this arrangement 24 where a second electrician worked with you, did you ever 11:13 25 request to stop that arrangement?
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	1 working with a second electrician? 2 A. No, I didn't have any problem with it because 3 every electrician that -- that I worked with out there, 4 I had a really good relationship with. 11:10 5 Q. Okay. And when you say you were working with a 6 second electrician, how -- how -- how did that go? I 7 mean, what was the second electrician doing when you 8 were performing your work? 9 A. What was he -- he was working with me. 11:11 10 Whatever job that we were on, he would be working 11 directly with me. 12 Q. So you-all would share responsibilities for a 13 particular job? 14 A. Correct. 11:11 15 Q. Who were some of the second electricians that 16 worked with you during this time? 17 A. No one, not -- no one specific but every 18 electrician wherever -- any unit that I was in, I was 19 always with a second electrician. 11:11 20 Q. And when you say you were always with them, 21 does that -- 22 A. I alway -- excuse me. I always worked with a 23 second electrician. 24 Q. And by "work," you mean that you-all are 11:11 25 sharing job responsibilities for whatever assignment	1 A. No. 2 Q. Were there times where you performed jobs where 3 there wasn't a second electrician working with you? 4 A. Just the one time and I got in trouble for -- 5 ended up being terminated behind it. 6 Q. "The one time," what are you referring to? 7 A. When there was a -- a job where I was called 8 over the radio to go and perform a lockout/tagout and I 9 asked over the radio, "Is there another electrician?" 11:13 10 I was told, "No, you can do it." 11 And so I -- I mean, I wasn't going to 12 question it, my supervisor. I just -- I went and did 13 it. 14 Q. Who was your supervisor who called you about 15 this assignment? 16 A. Darryn Barnes. 17 Q. And Darryn Barnes specifically said to you, 18 "No, there's no other electrician. You can do it"? 19 A. Yes. 11:13 20 Q. Did you disagree with that? 21 A. No, I didn't dis -- I just -- I'm not -- I'm 22 not going to -- I'm not a person to question my 23 supervisor when he -- if he gives me a task, then, okay, 24 I'll perform my task. 11:14 25 Q. Did you think you were capable of performing

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	1 the task without a second electrician?		1 <b>hang a lock in those holes so that it can't be turned back on.</b>
	2 <b>A. I thought I was.</b>		2 <b>Q. And so what you've been describing, is that the lock part of the lockout/tagout?</b>
	3 Q. Do you recall this particular incident? We're going to talk about it in some more detail, but do you		3 <b>A. Uh-huh.</b>
11:14	4 recall when that occurred?	11:18	4 Q. What's the tag part of the lockout/tagout?
	5 <b>A. I don't remember when it occurred, no.</b>		5 <b>A. The tag part is when you hang a -- when a individual, whatever craft they are in, put -- hangs a tag, a "do not operate" tag, on the equipment with their name and craft identification on it, so that way they can identify who turned the equipment off and what craft they work for -- or they work in.</b>
	6 Q. Does September -- late September, early		6 Q. Did Chevron Phillips Chemical have special procedures for lockout/tagout of equipment?
	7 October, 2014, sound about right to you?		7 <b>A. Special procedures?</b>
	8 <b>A. I apologize. I --</b>		8 Q. Did they have a process that you were supposed to follow for locking out and tagging out equipment?
11:15	9 Q. Okay.	11:18	9 <b>A. Yes.</b>
	10 <b>A. I don't really recall.</b>		10 Q. Okay. Were you trained on the lockout/tagout process at Chevron Phillips Chemical?
	11 Q. Okay. We'll -- we'll come back to that.		11 <b>A. Yes.</b>
	12 And so it's your testimony that this		12 Q. When were you trained on this process?
	13 particular incident where you went out alone for the		13 <b>A. I was trained -- oh, God, it would have been right after my initial hiring, is when I was trained and we had -- yeah, it was right after -- I'm not sure</b>
11:15	14 lockout/tagout -- and I'll just kind of state for the		
	15 record and we'll clear it up with some documents later,		
	16 but that this occurred sometime in late September, early		
	17 October, 2014. Okay?		
	18 <b>A. Okay.</b>		
11:15	19 Q. This incident that you're referring to, you're	11:18	
	20 saying that's the only time that you ever -- from 2012		
	21 until the time of your termination, that was the only		
	22 occasion that you worked without a second electrician		
	23 with you?		
11:15	24 <b>A. Correct.</b>	11:19	
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	1 Q. What is a lockout/tagout?		1 <b>what -- how to explain that correctly, but it was right after I was initially hired.</b>
	2 <b>A. A lockout/tagout is -- it is a way of turning off or de-energizing equipment so that it -- it will not -- it cannot come back -- come back on or be turned</b>		2 <b>You go through what's called an LMS module -- modules where you -- there's training that it -- it explains the steps that need to be taken for the lockout/tagout procedure.</b>
11:16	3 <b>on without physically removing that equipment, that lock and tag.</b>	11:19	3 Q. And that's training you would have first taken
	4 Q. What is the lock part of this process?		4 in 2008 right after you were hired?
	5 <b>A. The lock part is to turn off the electricity --</b>		5 <b>A. Correct.</b>
	6 <b>the electrical -- hold on. Let me think of -- the</b>		6 Q. Were there times throughout your employment
11:16	7 <b>electrical -- the electricity being provided to that --</b>	11:19	7 after 2008 where you were periodically retrained or
	8 <b>that equipment and locking that out with a physical lock</b>		8 reminded about this process, where you would have to
	9 <b>so that it cannot be turned back on.</b>		9 kind of participate in these modules just to stay
	10 Q. How do you actually turn off the electricity		10 up-to-date about the process?
	11 that's being provided to the equipment as a part of this		11 <b>A. Yes, there were computer modules that -- for update training that we went through, yes.</b>
11:17	12 process?	11:20	12 Q. And you were -- you completed these computer --
	13 <b>A. In the -- it's not a mechanical room. I'm trying to think of the exact terminology of it. In</b>		13 <b>A. (Coughing) excuse me.</b>
	14 <b>the -- in the MCCs we go over and we turn off at the switchgear the power feeding that equipment and then</b>		14 Q. -- modules from time to time with respect to
11:17	15 <b>we -- there is a scissor hasp that we hang into the lock -- lock part of it and hang a lock so that it</b>	11:20	15 the lockout/tagout process throughout your entire
	16 <b>cannot be turned back on.</b>		16 employment at Chevron Phillips Chemical, correct?
	17 Q. And what did you say that hangs, a --		17 <b>A. Correct.</b>
	18 <b>A. It's a -- it's called a -- a scissor -- it's a</b>		18 Q. And there were other topics that you were
11:17	19 <b>scissor device where -- with holes in it so that you can</b>	11:20	19 trained on throughout your employment, as well, correct?

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	1 A. Yes, I do. 2 Q. Okay. When you received the working rules, did 3 you review those? 4 A. Yes, I did.	1 to go lock out some equipment. 2 Q. And where -- where were you when you got the 3 call? 4 A. I don't remember exactly where I was. 5 Q. Where was the equipment? Was it in a different 6 part of the facility or a different unit or anything -- 7 A. No. The -- 8 Q. -- like that? 9 A. I'm sorry. 10 Q. That's okay.
11:47	5 Q. Were you familiar with and aware of what the 6 working rules were at Chevron Phillips Chemical 7 throughout your employment? 8 A. Yes. 9 Q. Okay. We were talking before the break about 10 the lockout/tagout issue that developed in September or 11 October, 2014. Do you recall -- 12 A. Yes. 13 Q. -- that? Okay. 14 A. Yes.	11:49 11 A. The equipment was -- it was on the unit that I 12 was in, yes. 13 Q. When you -- this was not the first time that -- 14 I'm sorry. This was not the first time that you had 15 been given an assignment to go and lock out or -- and 16 tag equipment, correct? 17 A. That's correct. 18 Q. When you -- what is the normal protocol when 19 you get a call to go and lock out and tag out equipment? 20 What are the steps -- and I don't mean with respect to 21 what you just described for us in terms of how you 22 actually lock out and tag out, but how do you actually 23 go about initiating that job? Is there paperwork that 24 you're supposed to pick up, any paperwork that you're supposed to review? How do you get that job started?
11:47	15 Q. And I think you indicated, you know, that there 16 was some issue, obviously, that -- that developed with 17 that with respect to the work that you did, correct? 18 A. That's correct. 19 Q. How did you learn that there had been an issue 20 regarding the work that you did on -- well, first of 21 all, tell us what -- what the actual work was with 22 respect to this lockout/tagout issue that developed. 23 A. Tell us -- I'm sorry. Say it again. 24 Q. What -- do you recall what your job assignment	11:50 11:50 15 16 17 18 19 20 21 22 23 24
11:48	25 was with respect to this lockout/tagout issue that	11:50 25
	Page 62	Page 64
	1 developed? 2 A. Yes -- 3 Q. Okay. 4 A. -- I recall.	1 A. The way the job starts is I normally -- I or 2 the other electricians will go, we will meet the -- the 3 operator at the MCC because the operator is the owner of 4 that equipment and the operator will let us know 5 specifically which equipment that he needs locked out. 6 Q. When Darryn called you, did he tell you what 7 specific equipment needed to be locked out or did he 8 tell you just to go over to this area and talk to the 9 operator or did something else occur?
11:48	5 Q. What were -- what was your job responsibility? 6 What were you supposed to be doing? 7 A. The job responsibility was to go over and 8 actually lock out -- lock and tag some equipment out for 9 a contractor that was in the plant.	11:51 10 A. No. He told me -- he asked me to go over to 11 lock out some equipment. 12 Q. Did you know what equipment it was? 13 A. No, not at the time. 14 Q. Did you know which operator you were supposed 15 to -- to talk to or see?
11:48	10 Q. What equipment did you have to lock and tag? 11 A. I locked out -- it was the electrical -- an 12 electrical disconnect switch that provided power to some 13 equipment that was outside. 14 Q. What equipment outside was it providing power	11:51 16 A. No. 17 Q. How did you find that out? 18 A. I found out because when I got to the MCC, the 19 operator was already there; and he -- he pointed out to me what equipment that he needed locked out.
11:48	15 to? 16 A. I'm not -- I don't know specifically what 17 equipment it was providing power to. 18 Q. So what -- you -- who -- and I think you said 19 that Darryn Barnes contacted you and instructed you to	21 Q. What does MCC stand for? (Coughing) excuse me. 22 A. MCC is -- what is MCC? I'm drawing a blank. I 23 apologize. 24 Q. That's okay. If it comes to you later, you
11:49	20 go over and perform this -- this function, correct? 21 A. That's correct. 22 Q. What do you recall Darryn Barnes telling you? 23 A. He told me to go over and -- and lock out some	25 can --
11:49	24 equipment for -- for the -- I don't think he -- I don't 25 recall him saying the name. He just said he needed me	

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	1 A. If someone did that, yes, that would -- that 2 would not be correct. I wouldn't put my initials on 3 something that I haven't done.  12:08 4 Q. So after -- for this particular incident that 5 we're talking about in 2014, after you performed the 6 isolation -- or the lockout/tagout on this particular 7 equipment, at some point you heard back from the company 8 that there was an issue related to that work, correct?  9 A. Correct.	1 discussion that you had with him when you first learned 2 about -- that there had been an issue?  12:11 3 A. I apologize. I -- I don't remember exactly 4 what happened or what his specific comments -- 5 conversation was.  6 Q. Well, in general what was he calling you in to 7 talk to you about?
	10 Q. Tell -- who did you hear from that there had 11 been an issue regarding that work?  12 A. I don't know. I don't remember who 13 specifically told me that there was a problem.  14 Q. Were you -- (coughing) excuse me. Were you at 15 work when you learned that there had been an issue?  16 A. Yes, I was at work.	8 A. He was calling me in because there was an issue 9 with the -- with the lockout/tagout.  10 Q. And do you recall what he said the issue was? 11 A. He said that there was not a lock and tag on 12 the equipment, at which point I tried to explain to him 13 what happened with the operator.  14 Q. What happened with the operator?
	17 Q. What did you learn -- well, at some -- do you 18 recall meeting with anyone in relation to this issue?  19 Did anybody call you into a meeting and say, "Let's talk 12:09 20 about something that happened with this lockout/tagout 21 process on this equipment"?	12:11 15 A. When I initialed that I did -- I had turned off 16 the equipment and tried -- I then went to try to get a 17 lock and tag and the operator told me, "No, don't do 18 that," because they were going to reuse that equipment.  19 And then he pointed at a sticker that was on the 20 equipment and I -- it was new. I had never seen that -- 21 that sticker before. We had never -- in the facility -- 22 I had never seen that in the facility before.  23 Q. Who pointed to a sticker, Keith or -- 24 A. No, the -- Keith wasn't there. It was the
12:09	22 A. Yes, later -- later on someone did. 23 Q. Do you recall who that was? 24 A. I believe -- I'm not -- I can't say for sure -- 25 for certain, but I believe it was Keith Bravenec.	12:12 25 operator.
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	1 Q. And who is Keith Bravenec? 2 A. He is the instrument and electrical -- I think 3 his title is -- superintendent, I think is his title. 4 I'm not sure.  12:09 5 Q. Okay. Had you -- did you know Keith Bravenec 6 before this time in October or -- 2014, when he called 7 you in about the lockout/tagout issue?  8 A. Well, yes, we had -- we had seen each other 9 plenty of times, yes.	1 Q. Who -- and that's -- 2 A. Billy -- yes, Billy Donnell, Donnell. I'm not 3 sure how to say his name.  4 Q. Okay. So you told Keith that Billy Donnell 5 told you not to put the lock or tag on the equipment? 6 A. Because they were going to reuse it, yes. 7 Q. And that he also pointed to a sticker that you 8 had never seen before?  9 A. Correct.
	10 Q. Did you have any issues with Keith Bravenec? 11 A. No, I didn't have any issues with him.  12 Q. On what occasions would you have seen Keith 13 Bravenec before this incident in October of 2014?  14 A. How do you mean?	12:12 10 Q. What -- what did -- what did the sticker look 11 like?  12 A. I don't remember exactly what it looked like. 13 I don't even -- I don't remember exactly what it looked 14 like, but it was --
	15 Q. Just -- would you have been working with him, 16 reporting to him, or would you just see him at the 17 facility?  18 A. I would see Keith -- he would come sometimes 19 to -- to our tailgate meetings. I would see him just in 12:10 20 passing. It was -- there would be various times I would 21 see him. Sometimes he may just be moving through the 22 facility and I would see him.  23 Q. Okay. So when you talked to Keith -- Keith 24 Bravenec about this lockout/tagout incident, what did he 25 tell you? What's your recollection of -- of the	12:13 15 Q. Do you remember a color? 16 A. It was -- it was just a little white sticker 17 with black letters, black lettering.  18 Q. And where was the sticker? 19 A. It was on the -- the actual -- the lock -- not lockout but the -- oh, gah, what is that? What is it 20 called? It was on the -- the electrical disconnect 21 switch, and I later found out that that was something 22 brand-new. It was only supposed to be for the 23 operators.  12:14 25 Q. What was only supposed to be for the operators?

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	1 <b>A. That sticker.</b> 2     Q. But you don't know what the sticker did or what 3     it said or -- 4 <b>A. I don't recall specifically what it said, no.</b> 12:14    5     Q. And do you know what the purpose of the sticker 6     was? 7 <b>A. No, I don't.</b> 8     Q. Did Billy Donnell -- or Donnell -- we'll say 9     Donnell and if we're getting it -- 12:14    10 <b>A. Okay.</b> 11    Q. -- wrong, we'll apologize to him later. 12    But did -- did he tell you not to lock and 13    tag the equipment before you signed the isolation list? 14 <b>A. No. He told me after I signed the list. After</b> 12:14    15 <b>I initialed the list, he told me not to -- to -- to lock</b> 16 <b>and tag it. Because I would not have signed it if I</b> 17 <b>knew that I was not going to be able to lock and tag</b> 18 <b>because that's the rule. When you sign something,</b> 19 <b>you -- you sign it that you are actually performing a</b> 12:15    20 <b>lock and tag.</b> 21    Q. So you signed the isolation list saying that 22    you had performed those functions before you had 23    actually completed them? 24 <b>A. Before they were completed, yes.</b> 12:15    25    Q. So when you signed it, the work had not been	1     correct? 2 <b>A. Not in that specific order, no.</b> 3     Q. Well, what's the order? 4 <b>A. The order was he -- he identified to me what</b> 5 <b>equipment that he needed locked and tagged. I got the</b> 6 <b>isolation list to verify that the -- the name and</b> 7 <b>numbers were corresponding and then I initialed it --</b> 8 <b>I -- excuse me -- I turned it off and initialed the lock</b> 9 <b>and -- the isolation list, gave it -- gave the list back</b> 10 <b>to Billy Donnell, then I went outside to go get a lock</b> 11 <b>and tag and when I came back, he said, "Don't do that."</b> 12    And I asked again, I said, "Well, give me 13    the -- let me get my initials off." 14    He said, "No, it's -- I need this. I have 12:17    15 <b>to go back to the -- the MC -- to the control room to</b> 16 <b>finish the" isolation -- "to finish the lockbox."</b> 17 <b>Excuse me.</b> 18    Q. Is it typical to wait until you sign the 19    isolation list to go outside and get the lock and tag, 12:17    20    or do you normally get the lock and tag first and then 21    sign the isolation list when it's complete? 22 <b>A. It's -- it's -- there's no specific way to do</b> 23 <b>it. I mean, it's numerous -- it could be done either</b> 24 <b>way. I've done it both ways because the operator is</b> 12:17    25 <b>there. He is not going to go anywhere until I hang a</b>
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	1     done? 2 <b>A. Not com -- not fully, no.</b> 3     Q. And, in fact, according to you, the work never 4     got done because you say that Billy Donnell told you not 12:15    5     to put the lock and tag on it; is that right? Is that 6     your testimony? 7 <b>A. Yes, it never -- it was never completed.</b> 8     Q. And did you do anything to correct the initials 9     that you put on the isolation list to reflect that you 12:15    10    did not do the work that you were actually initialing on 11    the list that you had done? 12 <b>A. Did I do anything --</b> 13    Q. Did you correct the isolation list to -- to 14    reflect that you had not done the work that you said you 12:15    15    had done on the isolation list? 16 <b>A. No, I didn't. He wouldn't give me the list</b> 17 <b>back to get my initials off of it.</b> 18    Q. Did you ask for it back? 19 <b>A. Yes, I asked; but he wouldn't --</b> 12:16    20    Q. When did you ask for it back? 21 <b>A. I asked for it -- when he wouldn't let me put a</b> 22 <b>lock and tag on it, I asked for it back.</b> 23    Q. So you -- you had not completed the lock and 24    tag; but you proceeded to go ahead and initial the 12:16    25    isolation list indicating that you had completed it,	1 <b>lock and tag.</b> 2     Q. And so you said you went outside to get the 3     lock and tag, you came back in to put the lock and tag 4     on. Billy Donnell told you not to put the lock and tag 5     on? 6 <b>A. That's correct.</b> 7     Q. Okay. And then you said, "Well, give me the 8     list back," correct? 9 <b>A. Yes. I said, "I -- I want to take my initials</b> 10 <b>off."</b> 11    He said, "Well, no, I need to go get -- 12 <b>finish this lockbox up."</b> 13    Q. Okay. And -- and he -- did you say, "But, no, 14    I need the list back because I've got to get my initials 15    off"?
		16 <b>A. Yeah. That's why I asked back -- asked for it</b> 17 <b>back, was I --</b> 18    Q. How many times did you ask for it back? 19 <b>A. I only told him once and -- I mean, I didn't</b> 20 <b>want to -- I didn't want to create a confrontation with</b> 21 <b>him. I asked for it back. He told me no, and he was</b> 22 <b>already moving to -- to leave from the -- from the MCC.</b> 23 <b>The motor control center, that's what MCC</b> 24 <b>is. It -- it just came back to me.</b> 25    Q. Motor control center?

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	1 Q. All right. And -- 2 A. Well, operators, mechanics, and all of those 3 gentlemen. 4 Q. Okay. And you said that -- (coughing) excuse 12:39 5 me -- Virginia -- you were sent home. She told you to 6 call back on Monday. Did you -- during your suspension, 7 did you talk to Virginia periodically? 8 A. During the -- I called, but I -- I don't 9 think I spoke with Virginia.	1 remember the gentleman's last name. His name is Reuben. 2 I don't know his last name. 3 Q. Okay. 4 A. He was in The Woodlands. 12:42 5 Q. Do you know what department he worked in? 6 A. Human resources. 7 Q. And what did Reuben tell you? 8 A. Reuben told me to return to work the next day. 9 Q. Between the time that you were suspended and
12:40	10 Q. You don't recall ever talking to her and her 11 telling you that the company was still investigating the 12 issue? 13 A. I apologize. It's -- no -- at -- I don't 14 recall that, no, not right --	12:42 10 sent home and then the time that Reuben called you, we 11 said that there might have been -- you might have had 12 some communications with Virginia Hubbard, correct? 13 A. It's possible, yes. 14 Q. Did you have any communications with anybody
12:40	15 Q. You're -- 16 A. -- here. 17 Q. -- not saying that didn't happen; you just 18 don't remember? 19 A. No, I'm not saying it didn't happen; I just	12:42 15 else at the company during your suspension? 16 A. Any verbal communications or -- 17 Q. Any kind. 18 A. Yes. 19 Q. With whom?
12:40	20 don't remember. 21 Q. Okay. And how long were you suspended? 22 A. It would have been -- it would have been almost 23 three weeks. 24 Q. And you said it was strange that they never set	12:43 20 A. Pete Cella. 21 Q. Who's Pete Cella? 22 A. Pete Cella is the CEO of Chevron Phillips. 23 Q. Okay. And tell us about your communica -- 24 how -- how many times did you communicate with Pete
12:40	25 a time limit. Had you been suspended before?	12:43 25 Cella during your suspension?
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	1 A. I had never -- I had never had any discipline 2 before. 3 Q. What do you mean no discipline? 4 A. Zero discipline. 12:41 5 Q. I know, but what do you mean by "discipline"? 6 A. I mean anything that -- any negativity as far 7 as my performance or any violations of any kind. 8 Q. Do you recall Mr. Kelly ever talking to you 9 about any issues related to your performance? 10 A. Yeah, he -- I mean, he was my supervisor there 11 for a while and he -- it was his job to evaluate 12 every -- every one of his guys' performance. 13 Q. Do you recall him ever talking to you about 14 being tardy to meetings --	1 A. During my suspension, once. 2 Q. And was that by phone, in writing? How was 3 that communication? 4 A. That was by e-mail. 12:43 5 Q. Who e-mailed whom? 6 A. I e-mailed Pete, and I explained the situation 7 to him. I did admit that I was partially at fault, but 8 I explained to him that I did not believe that the way 9 the situation was being handled was correct. And I
12:41	15 A. No. 16 Q. -- and from breaks? 17 A. No. 18 Q. Were you tardy sometimes to meetings and coming 19 back from breaks? 20 A. No. 21 Q. Okay. How did you learn that your suspension	12:44 10 think he agreed with me. 11 Q. Why do you think he agreed with you? 12 A. Because he said someone -- when he e-mailed me 13 back the same day, he said someone would be in contact 14 with me that day to let me know when to go back to work. 15 Q. He never said, "I agree with what you're 16 saying." He just said some -- 17 A. No, he didn't say that. 18 Q. Let me finish. 19 A. He just --
12:41	22 was over and that you -- to come back to work? 23 A. I learned by phone. 24 Q. From who? 25 A. From The Woodlands. His name is -- I don't	12:44 20 Q. I'm sorry. 21 A. Oh, I'm sorry. Go ahead. 22 Q. He never said, "I agree with what you're 23 saying." He only said, "Somebody is going to be in 24 contact with you," correct? 12:44 25 A. He -- I don't remember specifically how the

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	<p>1 e-mail went. It was something to the fact that what I      2 was saying was at least partially correct, and then he      3 said that someone would be in contact with me.</p> <p>4 Q. Okay. And you said you explained the situation      12:44 5 to Pete Cellia in your --</p> <p>6 A. Yes.</p> <p>7 Q. -- e-mail? What situation --</p> <p>8 A. Correct.</p> <p>9 Q. -- did you explain to him?</p>	<p>1 casually in the halls. He used to be -- he used to work      2 at Pasadena before he moved to The Woodlands.</p> <p>3 Q. Had you met Pete Cellia before you e-mailed him?</p> <p>4 A. Yes. Yes, I had. Pete Cellia, actually he met      5 me.</p> <p>6 Q. You guys met each other?</p> <p>7 A. No. He met me.</p> <p>8 Q. Okay.</p>
12:44	<p>10 A. The situation -- just the outline of how the --      11 the suspension went about -- or came about.</p> <p>12 Q. What -- were -- and what were you asking Pete      13 Cellia to do, if anything?</p> <p>14 A. I was asking Pete to just look into the      12:45 15 situation and tell me that it was -- the way it was      16 being handled was correct.</p> <p>17 Q. And by "the way it was being handled," do you      18 mean the amount of time that you were on suspension?</p> <p>19 A. I mean the whole situation, the way it was      12:45 20 being handled.</p> <p>21 Q. Okay. And -- so "whole situation," is what in      22 your mind? I want to understand.</p> <p>23 A. Is the -- is the entire situation, the      24 suspension, the -- just the -- the entire situation.</p>	<p>12:48 10 my LMS updates because I had been out for a long time      11 and as I was leaving the restroom walking down the hall,      12 he walked up behind me and said, "Hey, you're -- you're      13 that fellow that had the wreck on the motorcycle."</p> <p>14 And it was really strange because you --</p> <p>12:48 15 you know how you've seen someone before but you -- you      16 don't know them and you can't really place them. And      17 I'm -- I have this -- it's almost -- I don't know if      18 déjà vu is the right word but it's -- it's kind of      19 spooky, like, "I know you, but I don't know you."</p> <p>12:49 20 Q. Uh-huh.</p> <p>21 A. Because the only place I had ever seen him was      22 on the computer when he would put out videos for      23 everybody.</p> <p>24 And I finally caught it; and I'm like,</p>
12:45	25 Q. So you were telling him -- the situation that	12:49 25 "You're -- you're Pete."
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	<p>1 you told him you didn't think was being handled      2 correctly was the fact that you had been suspended; is      3 that right? I mean -- I mean, that's one of the things?</p> <p>4 A. Wait. Say that again. I'm sorry.</p>	<p>1 Q. Uh-huh.</p> <p>2 A. "You're -- you're the CEO."</p> <p>3 And he shook my hand and everything. He</p>
12:46	<p>5 Q. The situation that you were telling Pete Cellia      6 you did not think was correct was the fact that you had      7 been suspended? That was a part of the situation that      8 you were describing to him?</p> <p>9 A. No, not the fact that I had been suspended but      12:46 10 that I had been suspended and no one could tell me how      11 long I was going to be suspended.</p> <p>12 Q. Okay. Other than telling him that -- that you      13 disagreed with the fact that you had been suspended and      14 no one could tell you how long you would be suspended,</p>	<p>4 said, "Yeah, I'm Pete Cellia. Good to meet you."</p> <p>5 And I'm just standing there like, I'm      6 amazed to meet you.</p> <p>7 And he -- he reached into his pocket. He</p>
12:46	<p>15 did you tell him that you had issues with anything else?</p> <p>16 A. With anything -- no, I don't think I did.</p> <p>17 Q. And I think you testified earlier the next day      18 you got a call from Reuben, you believe?</p> <p>19 A. No, the same day.</p>	<p>8 said, "If you ever have a problem, I want you to call      9 me."</p> <p>10 And I'm thinking to myself, okay, but      11 you're the CEO of Chevron Phillips. I'm never going to</p>
12:47	<p>20 Q. You e-mailed Pete Cellia, Pete Cellia responded      21 to you the same -- responded to you the same day, and      22 then that same day you got a call from Reuben in HR?</p> <p>23 A. Correct.</p> <p>24 Q. Had you talked to Reuben before?</p>	<p>12:49 12 call you. What am I going to call you? You have an      13 electrician in Pasadena of the tens of hundreds of      14 thousands of people that work for you that has a      15 problem. What am I going to call you and say?</p> <p>16 And it just so happened I -- I had an issue      17 that I -- I actually needed help and so I -- I e-mailed      18 him.</p> <p>19 Q. Okay. And Pete was responsive to your e-mail,</p>
12:47	25 A. Yes, because Reuben -- I had talked to him just	12:50 20 correct?
		<p>21 A. Yes.</p> <p>22 Q. And from your perspective, do you think that      23 you were called back to work because of your e-mail to      24 Pete Cellia?</p> <p>12:50 25 A. I believe so.</p>

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	<p>1 by you."</p> <p>2 That's also correct, right? The "T" leads</p> <p>3 had not been removed even though the isolation list was</p> <p>4 signed off by you, correct?</p>	<p>1 this incident is a violation of the working rules.</p> <p>2 That's also accurate, correct?</p>
01:33	<p>5 <b>A. That is correct.</b></p> <p>6 Q. Okay. And then it's also correct that you had</p> <p>7 a meeting with Keith, Virginia, and David Higgins,</p> <p>8 correct, to discuss this incident?</p>	<p>01:35</p> <p>5 <b>A. That's correct.</b></p> <p>6 Q. Is it correct that your carelessness could have</p> <p>7 resulted in an employee being seriously injured?</p>
	<p>9 <b>A. That's correct.</b></p>	<p>6 <b>A. Yes, that's -- that's possible, yes.</b></p>
01:33	<p>10 Q. Do you disagree that that meeting happened on</p> <p>11 October 8, 2014?</p>	<p>01:35</p> <p>10 Q. In the fourth paragraph the last sentence says,</p>
	<p>12 <b>A. No, I don't disagree.</b></p>	<p>11 "You have had several coaching and counseling about your</p>
	<p>13 Q. Okay. And it's also correct -- do you agree</p>	<p>12 work ethics"; is that correct?</p>
01:33	<p>14 that you told them during the meeting that you looked at</p> <p>15 the numbers on the list but you never read anything in</p> <p>16 the highlighted section about the "T" leads to be</p> <p>17 disconnected? Do you recall telling them that in the --</p> <p>18 the meeting?</p>	<p>01:35</p> <p>13 <b>A. That's partially correct.</b></p> <p>14 Q. Okay.</p>
	<p>19 <b>A. Yes, I recall that.</b></p>	<p>15 <b>A. Because it's not that I was being -- my</b></p>
01:33	<p>20 Q. So -- so that's accurate, correct?</p>	<p>16 <b>coaching and -- about the coaching and counseling of my</b></p>
	<p>21 <b>A. That's correct.</b></p>	<p>17 <b>work ethics, it's not that they were at -- there was</b></p>
	<p>22 Q. And then do you also recall telling them that</p>	<p>18 <b>anything wrong with them. It was that that is included</b></p>
	<p>23 you only did the de-energizing part?</p>	<p>19 <b>in the -- the coaching and counseling form.</b></p>
	<p>24 <b>A. Yes, that's correct --</b></p>	<p>20 Q. Okay. Coaching you --</p>
01:33	<p>25 Q. Okay.</p>	<p>21 <b>A. That was -- yes, that's not anything personal</b></p> <p>22 <b>that -- that was affecting me.</b></p>
		<p>23 Q. Okay. Okay. So those are the paragraphs that</p>
		<p>24 I see that kind of recount just the company's position</p>
		<p>25 about what happened and what you did wrong from the</p>
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	<p>1 <b>A. -- also.</b></p> <p>2 Q. All right. And so at least if we're numbering</p> <p>3 the paragraphs and we're looking at the third par -- the</p> <p>4 second paragraph starting "on September 30, 2014,"</p>	<p>1 company's perspective. So -- and you've just agreed</p>
01:34	<p>5 everything in that paragraph is accurate, correct?</p>	<p>2 with me that those things are accurate. So I'm trying</p>
	<p>6 <b>A. I'm sorry. Say it again.</b></p>	<p>3 to just pinpoint exactly specifically what you disagreed</p>
	<p>7 Q. The second paragraph of the final written</p>	<p>4 with when you said, "I disagree with what is stated in</p>
	<p>8 warning that starts "on September 30, 2014," we just</p>	<p>5 this letter."</p>
	<p>9 went through each of the sentences; and you agreed that</p>	<p>6 <b>A. I don't recall exactly the situation that --</b></p>
01:34	<p>10 everything there was accurate, correct?</p>	<p>7 <b>that -- what -- the situation -- what the situation was</b></p>
	<p>11 <b>A. Yes.</b></p>	<p>8 <b>when I wrote this under the bottom. I don't recall that</b></p>
	<p>12 Q. And then we just went through the third</p>	<p>9 <b>right now.</b></p>
	<p>13 paragraph that starts "during an investigatory meeting</p>	<p>10 Q. Okay. All right. So after you received this</p>
	<p>14 on October 8th" and you -- you just agreed everything</p>	<p>11 final written warning and notice that you were going to</p>
01:34	<p>15 there was accurate, correct?</p>	<p>12 go through recertification, what happened next with</p>
	<p>16 <b>A. Correct.</b></p>	<p>13 respect to your work? Did you go back out and perform</p>
	<p>17 Q. All right. You do understand that not</p>	<p>14 electrician work?</p>
	<p>18 following the lock, tag, try procedure is a violation of</p>	<p>15 <b>A. I'm sorry. Say it again.</b></p>
	<p>19 the company's safety rules, correct?</p>	<p>16 Q. After you received this final written</p>
01:34	<p>20 <b>A. Wait. Say it again. I'm sorry. I was</b></p>	<p>17 warning --</p>
	<p>21 <b>reading.</b></p>	<p>18 <b>A. Uh-huh.</b></p>
	<p>22 Q. Not following the lock, tag, and try procedure,</p>	<p>19 Q. -- did you go back out immediately and start</p>
	<p>23 that's a violation of company work rules, correct?</p>	<p>20 performing electrician work at the Pasadena complex?</p>
	<p>24 <b>A. Yes, I understand that.</b></p>	<p>21 <b>A. No, I don't think I did.</b></p>
01:34	<p>25 Q. Okay. And so the fourth paragraph says that</p>	<p>22 Q. What did you do?</p>
		<p>23 <b>A. I think I was -- I was removed from working --</b></p>
		<p>24 <b>being out in the -- the working area of the plant and</b></p>
		<p>25 <b>placed in the COB to start doing computer modules for</b></p>

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	1 retraining. 2 Q. That's a part of the recertification that's 3 described in this final written warning letter? 4 A. Yes. 5 Q. What's COB? 6 A. The central office building. 7 Q. It's the central office building at the 8 Pasadena complex? 9 A. Correct. 10 Q. And so you were required to report to the COB 11 for retraining for some period of time? 12 A. Correct. 13 Q. How long were -- was the retraining? 14 A. I don't recall exactly. It was -- it took 15 quite some time. I don't remember exactly how long. 16 Part of it was because they didn't -- they didn't 17 actually have updated or current information for me to 18 retrain on, was part of the problem. 19 Q. Was it your understanding that they -- the 20 company was working with the union to come up with that? 21 A. Yes, it was my understanding. 22 Q. When you were engaged in this retraining or 23 recertification as a part of your discipline for the 24 lockout/tagout incident, to whom were you reporting at 01:39 that time?	01:37 01:40 01:37 01:41 01:38 01:41 01:38 01:41 01:39 01:41	1 there were times where he would tell me that he wasn't 2 exactly sure what Chevron was doing because they -- that 3 information really didn't exist for a -- a re -- re -- 4 recertification training. So he was working with my 5 union officials to try to come up with work to -- to 6 somewhat rectify that situation. 7 Q. Okay. And it was your understanding that the 8 company and the union were working towards that? 9 A. Yes. 10 Q. Okay. At some point did you get updated 11 information while you were going through the retraining? 12 A. No. 13 Q. At some point did you ever participate in any 14 computer-based -- 15 A. Yes, there was -- 16 Q. -- programs -- 17 A. -- some computer-based. 18 Q. -- training? 19 A. Yes. 20 Q. Was it always computer-based or was -- sometime 21 it was manuals, hard copy manuals and then sometimes 22 computer? 23 A. It was mostly manuals, older, obsolete manuals 24 that Chevron didn't even -- that info -- that complete information was obsolete, but I still had to go through
	1 A. I was not reporting to anybody. I was -- 2 Q. Were you working with anyone? 3 A. No, I was not working with anyone. I was 4 going -- I would come in in the mornings and a gentleman 5 named Tom Shomette, his -- he had his office door open. 6 He would have -- the booklets that I was to -- to go 7 through during the day, he would have those in his 8 office on his desk for me to just pick up so that I 9 could go to my cubicle and start -- and work those -- 01:39 those booklets. 11 Q. So every day you would go to Tom Shomette's 12 office to get the -- the work that you were supposed to 13 work on for that day? 14 A. Yes, whether he was there or not. 15 Q. And so was it your understanding that you at 16 least had to report to him to get this material so that 17 you would know what to be working on a particular day as 18 a part of the retraining? 19 A. Not necessarily report to him, but the info -- 01:40 the information was in his office. 21 Q. Did you have any discussions or other 22 interactions with Tom Shomette other than just picking 23 up the material and then going to the cubicle? 24 A. Well, yes, I mean, I'm -- I'm a people person. 01:40 25 I would -- just polite conversations with Tom and then	01:39 01:41 01:39 01:42 01:39 01:42 01:40 01:42 01:40 01:43	Page 130 1 and read all of that information. 2 Q. And -- and when you were reading the 3 information, were you also required to answer questions? 4 A. Most of the time, no. It was just a matter of 5 reading that information. I think of the -- I don't 6 know how many books Tom had. And it was -- it was a 7 lot. It was maybe 20 or 30 different books, but I think 8 there might have been 2 or 3 tests out of those 30 books 9 of -- of obsolete information and -- 10 Q. Did you go through all of those books? 11 A. Well, I had to. I mean, that was part of the 12 recertification. 13 Q. Okay. So, yes, you went through all -- the 20 14 to 30 books that Tom Shomette had? 15 A. Yes. 16 Q. And in addition to going through those books, 17 you also did some computer-based retraining? 18 A. Yes, I did some computer -- computer work, 19 also. 20 Q. At some point were you also back on -- in the 21 plant area observing employees doing work? 22 A. There was -- there were a -- a couple times. I 23 think maybe -- it wasn't many. Maybe two -- maybe three 24 or four times, I think it was. I'm not exactly sure how many, but there were times that I would -- I could -- I

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01:43	<p>1 was allowed to go back into the plant to watch --</p> <p>2 Q. Okay.</p> <p>3 A. -- other electricians perform work.</p> <p>4 Q. Other than Tom Shomette did you work with</p> <p>5 anybody else with respect to the retraining process?</p> <p>6 A. Other than Tom. Yes. Oh, God, what's his</p> <p>7 name? John, John Smith.</p> <p>8 Q. Okay.</p> <p>9 A. That's a name that's original, John Smith.</p>	<p>1 A. Yes, the same -- and that's why I told her, I</p> <p>2 said, "Virginia, there -- not -- I wasn't sleeping, but</p> <p>3 I woke up a gentleman who was sleeping." And she -- she</p> <p>4 never said anything after that. Okay.</p> <p>5 Q. When did you tell Virginia about this other</p> <p>6 person?</p> <p>7 A. I told her when we had -- she came to me, it</p> <p>8 was -- it was in the afternoon. She came to me because</p> <p>9 she said -- I will never forget it. She said, "You just</p> <p>10 won't stay out of trouble."</p> <p>11 And it caught me. I was completely -- I</p> <p>12 was totally off. "What are you -- what are you talking</p> <p>13 about?"</p> <p>14 And she didn't say anything. She just</p> <p>15 said, "We have to have another meeting. Come on."</p> <p>16 Q. Okay. So you first heard about this sleeping</p> <p>17 issue from Virginia Hubbard when she called you to her</p> <p>18 office?</p> <p>19 A. She didn't -- she didn't call me to her office.</p> <p>20 She came to the cubicle where --</p> <p>21 Q. Okay.</p> <p>22 A. -- I was and told me that we were going to have</p> <p>23 to have another meeting. You know, and as I said, I --</p> <p>24 I was confused because I had -- I told her that I had</p> <p>25 walked around the corner and -- around -- I say around</p>
01:43	<p>10 Q. Not generic at all, huh?</p> <p>11 A. No.</p> <p>12 Q. Tom Shomette, do you recall what his job</p> <p>13 position was or his title?</p> <p>14 A. I'm not sure of his exact title. He was</p>	<p>01:46</p>
01:44	<p>15 training -- something in training, a coordinator or</p> <p>16 something in training.</p> <p>17 Q. And what about John Smith?</p> <p>18 A. I have no idea. John was -- John was an</p> <p>19 operations supervisor or something.</p> <p>20 Q. Do you recall John Smith taking over and</p> <p>21 working with you for the -- with the retraining after</p> <p>22 Tom went out on leave or was absent for some period?</p> <p>23 A. Yes, I remember John would -- his -- I started</p> <p>24 going to his office to pick up the booklets and I think</p> <p>25 John was the one who actually started with the -- the</p>	<p>01:46</p>
01:44		<p>01:47</p>
01:44		<p>01:47</p>
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01:45	<p>1 computer-based training.</p> <p>2 Q. Okay. Okay. After the final written warning,</p> <p>3 you had another incident where the company investigated</p> <p>4 another work rule violation. Do you recall that?</p> <p>5 A. No.</p> <p>6 Q. You don't recall being investigated for</p> <p>7 violating any other work rules after the lockout/tagout</p> <p>8 incident?</p> <p>9 A. No.</p> <p>10 Q. Do you recall being investigated for sleeping</p> <p>11 on the job?</p> <p>12 A. I recall that, yes.</p> <p>13 Q. Okay. You recall meeting with HR about that?</p> <p>14 A. Yes, with Virginia. And I explained to</p>	<p>1 the corner -- to the next cubicle and woke up a</p> <p>2 gentleman who was -- who was sitting behind a desk</p> <p>3 sleeping --</p> <p>4 Q. Was this --</p> <p>5 A. -- and snoring.</p> <p>6 Q. Was this gentleman sleeping -- well, let's back</p> <p>7 up a little bit.</p> <p>8 A. Okay.</p> <p>9 Q. You recall the day of the sleeping incident</p> <p>10 that somebody came and -- and tapped you --</p> <p>11 A. Yes.</p> <p>12 Q. -- in your cubicle?</p> <p>13 A. Yes.</p> <p>14 Q. And when he tapped you -- did you know who this</p> <p>15 gentleman was?</p> <p>16 A. I have no idea who he was.</p> <p>17 Q. Okay. You had never seen or met him before?</p> <p>18 A. No.</p> <p>19 Q. When this gentleman tapped you, what did you --</p> <p>20 what -- did he say anything to you?</p> <p>21 A. When he tapped me, he startled me because I was</p> <p>22 sitting there and, I mean, I had this -- I was bored. I</p> <p>23 was just sitting there and he tapped me and it -- it</p> <p>24 kind of startled me because somebody had snuck up in</p> <p>25 there. And I looked; and he was like, "Hey." And he --</p>
01:45		<p>01:47</p>
01:45		<p>01:47</p>
01:45	<p>20 He was a gentleman in a -- in a pink shirt.</p> <p>21 He was across the cubicle -- on the other side -- excuse</p> <p>22 me -- on the other side of the cubicle wall, like two</p> <p>23 cubicles down and he was snoring and I -- I woke him up.</p> <p>24 Q. This was on the same day as you were reported</p> <p>25 to be sleeping?</p>	<p>01:48</p>
01:46		<p>01:48</p>

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	<p>1 he turned and walked off.</p> <p>2 And I'm like, what is that about?</p> <p>3 Q. He just said "hey" and turned and walked off?</p> <p>4 A. Exactly. So I stood up and I was getting ready</p> <p>01:48 5 to go outside and that's when I heard this -- this guy</p> <p>6 across the wall in the cubicle -- as I said, two -- two</p> <p>7 cubicles down snoring. So I went around there and I</p> <p>8 tapped this guy and I -- "Hey, man, you loud."</p> <p>9 "Oh, man, thank" -- and he was -- "Thank</p> <p>01:48 10 you. Was I loud?"</p> <p>11 "Yes, sir, you were."</p> <p>12 And he was an older gentleman in a pink</p> <p>13 shirt, is what I -- that's how I remembered him. He --</p> <p>14 he was sitting behind the desk in a pink shirt and I'm</p> <p>01:49 15 thinking, this dude --</p> <p>16 Q. So when -- when this gentleman came up to you</p> <p>17 and tapped you and said "hey," this other gentleman was</p> <p>18 in a cubicle snoring --</p> <p>19 A. Snoring --</p> <p>01:49 20 Q. -- at that same time?</p> <p>21 A. At that same time.</p> <p>22 Q. And you could hear it --</p> <p>23 A. I could --</p> <p>24 Q. -- while -- when you --</p> <p>01:49 25 A. -- hear it.</p>	<p>1 and that's when she made the comment, she said, "You --</p> <p>2 you just won't stay out of -- you can't stay out of</p> <p>3 trouble." And I'm thinking, what are you talking about?</p> <p>4 A. And --</p> <p>01:50 5 Q. And did she talk to you about the sleeping</p> <p>6 incident while at your cubicle, or did she set up a</p> <p>7 meeting where you-all met and talked later?</p> <p>8 A. She said -- she set up a meeting when she</p> <p>9 talked about the sleeping.</p> <p>01:50 10 Q. When she came to your cubicle and said, "You</p> <p>11 can't stay out of trouble," did she tell you what was --</p> <p>12 what the issue was at that time?</p> <p>13 A. No, she didn't. She didn't say anything.</p> <p>14 She -- it was just -- it was -- she made it kind of</p> <p>15 humorous, "You just -- you can't stay out of trouble."</p> <p>16 Q. How --</p> <p>17 A. And --</p> <p>18 Q. -- did you know that you were going to have a</p> <p>19 meeting with her?</p> <p>01:50 20 A. Because she said I was going to have -- "We</p> <p>21 have to have another meeting."</p> <p>22 Q. Okay. And when did that meeting take place?</p> <p>23 A. It was, I guess, maybe -- hell, maybe 20</p> <p>24 minutes later after she came in and told me that.</p> <p>01:51 25 Q. And who -- who were -- who participated in that</p>
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	<p>1 Q. -- were tapped --</p> <p>2 THE REPORTER: Wait, sir. I'm sorry.</p> <p>3 THE WITNESS: Oh, I'm sorry. I'm sorry.</p> <p>4 MS. WILLIAMS: It's okay.</p> <p>01:49 5 Q. (BY MS. WILLIAMS) You could hear him snoring</p> <p>6 when this other gentleman came in and tapped you and</p> <p>7 said "hey"?</p> <p>8 A. Yes, I could.</p> <p>9 Q. Okay.</p> <p>01:49 10 A. It was very obvious and that's why it -- I</p> <p>11 guess that's part of what startled me, because he walked</p> <p>12 up and he tapped me and, "hey," and he turned and walked</p> <p>13 off. And I'm thinking, well, who was this.</p> <p>14 Q. Okay.</p> <p>01:49 15 A. So I stood up -- as I said, I stood up and I --</p> <p>16 I could hear this guy. So I walked around to see what</p> <p>17 was going on, and I see this guy sleeping. So I tap</p> <p>18 him, "Hey, you're -- you're loud."</p> <p>19 "Oh, well, thank you. Was I snoring?"</p> <p>01:49 20 Well, he said, "Was I loud?"</p> <p>21 "Yes, sir."</p> <p>22 Q. Okay. And then after that, what happened?</p> <p>23 Then -- did you see anybody else that --</p> <p>24 A. After that, yes. It was -- I don't know</p> <p>01:50 25 exactly how much longer but later on Virginia came by</p>	<p>1 meeting?</p> <p>2 A. Oh, God, I -- now, that -- ouch. Excuse me.</p> <p>3 Q. Virginia was there, correct?</p> <p>4 A. Yes, Virginia. Virginia -- that was the</p> <p>01:51 5 meeting where Ed came, Ed Armand. And I -- oh -- the</p> <p>6 new guy. He was new then, Adam -- Adam -- he has a</p> <p>7 funny last name.</p> <p>8 Q. Sainato?</p> <p>9 A. Sainato.</p> <p>01:51 10 Q. Was he -- do you know what his position was?</p> <p>11 A. I know he was something in the HR.</p> <p>12 Q. Okay. And Ed Armand was at this meeting on --</p> <p>13 regarding the sleeping incident?</p> <p>14 A. Yes.</p> <p>01:52 15 Q. Was he also at the lockout/tagout meeting in --</p> <p>16 meeting on the lockout/tagout incident?</p> <p>17 A. I could be getting those two confused.</p> <p>18 Q. Okay. And so when you appeared for this</p> <p>19 meeting with Virginia and Adam from HR and then Ed</p> <p>20 Armand --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- tell me about that meeting. What did</p> <p>23 Virginia -- did Virginia run that meeting? Did she</p> <p>24 present the issue to you or did Adam?</p> <p>01:52 25 A. She -- hold on a second. She started the</p>

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	1 meeting, and then Adam took over and did most of the 2 talking. Yeah. 3 Q. Did they ask you questions about the incident? 4 A. I don't -- I don't think she asked -- I don't 01:53 5 think they asked me any questions. 6 Q. Were you allowed to provide your side of the 7 story during this meeting? 8 A. Yes. I told her that I was not sleeping and 9 that I had waken up another gentleman who was sleeping 01:53 10 but she -- 11 Q. And you're sure you told that to Virginia in 12 this meeting? 13 A. I'm positive. 14 Q. Do you recall also during -- so you told 01:53 15 Virginia that you were not -- and -- and Adam you were 16 not sleeping, correct? 17 A. Correct. 18 Q. You told them about this other person that you 19 said you heard sleeping? 01:53 20 A. Yes. 21 Q. Did you at some point during this meeting tell 22 them that you thought you might have fallen asleep? 23 A. No, I didn't tell them. I said that -- I told 24 them -- the -- the way that they presented it to me, 01:53 25 "Well, if you" -- how did she -- how did it go? "If you	01:55	1 fallen asleep"? 2 A. Correct. 3 Q. Okay. 4 (Exhibit 8 marked) 5 Q. (BY MS. WILLIAMS) I'm going to show you what's 6 marked as Exhibit 8. 7 MS. WILLIAMS: (Tenders document) 8 MR. ARMSTRONG: Thank you. 9 Q. (BY MS. WILLIAMS) Do you recall receiving this 10 document? It's dated November 18, 2014, regarding "Last 11 Chance Letter." 12 A. Yes. 13 Q. Do you recall receiving this as a result of the 14 sleeping incident that the company investigated that 15 we -- we just discussed? 16 A. Yes. 17 Q. Okay. Now, the date of this last chance letter 18 is November 18th, right? 19 A. Correct. 20 Q. We looked at the final written warning. I 21 think you have it in the front of you. That one's dated 22 October 30, 2014, correct? 23 A. Correct. 24 Q. So the time between the final written warning 01:56 25 for the lockout/tagout incident and the last chance
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	1 were that bored, was it possible?" 2 "It's possible, but I was not sleeping." 3 Q. But do you recall at some point conceding with 4 them that you might have actually fallen asleep? 01:54 5 A. No, I didn't -- I never said I might have. I 6 said it was possible. 7 Q. Okay. So is it true that it was possible that 8 you might have fallen asleep? 9 A. Yes, it was possible; but it -- it didn't 01:54 10 happen. 11 Q. So why did you tell them it was possible if it 12 didn't happen? 13 A. Because the way it was presented to me was that 14 it -- it -- it could have happened because -- 01:54 15 Q. So it could have happened, that you might have 16 fallen asleep? 17 A. As I just said, it was possible, yes. 18 Q. Okay. And this is what you told them when 19 they're investigating the sleeping -- 01:54 20 A. Right. 21 Q. -- incident, correct? 22 A. That's correct. 23 Q. Okay. And so the information they received 24 from you at first was that, "No, I didn't fall asleep"; 01:54 25 but then you said, "It's possible that I might have	01:56	1 letter for the sleeping incident, it was approximately 2 two or three weeks. Is that about right based on 3 those -- 4 A. Yes -- 5 Q. -- dates? 6 A. -- about three weeks. 7 Q. And you signed the last chance letter, correct? 8 A. The last chance -- 9 Q. Exhibit 8 that's in front of you, you -- that's 01:56 10 your signature on the document -- 11 A. Oh, I'm -- 12 Q. -- correct? 13 A. Yes. 14 Q. Okay. 15 A. Correct. 16 Q. Okay. And did you understand that this last 17 chance letter was basically giving you another chance to 18 improve your performance and not get in trouble in order 19 to avoid being terminated? 20 A. Wait. Say it again, please. 21 Q. Was it your understanding that the company gave 22 you this last chance letter to give you another 23 opportunity to improve your work so that you wouldn't 24 get terminated? 01:57 25 A. That's actually not the way, at the time, that